1: Honigmann E-5 (1943-1945) 1949 ND12 Nahane ND12

The things, around which property relations revolve, are quantitatively slight and qualitatively of little intrinsic value. Associated with these conditions, is the fact that interpersonal adjustments with reference to the subject matter of property have not been rigorously formulated. In recent years, however, the accumulation of stores of purchased winter food and capital goods has increased. One result of this accumulation may be seen in the conflict between such divergent property conceptions as loose personal control and strict private ownership. It is apparent that the growing amount of material goods is making the absence of concepts of strict personal control disturbing. We are therefore probably dealing with a transition period, in which property conceptions are becoming more rigorously formulated and ideas of strict personal ownership gaining in importance. These points should be borne in mind in reading the following material. §21

As near as could be learned, the subject matter of property includes the land but stops short of the fauna that pass over the land. The control of land, however, gives the owner the exclusive right to kill for bearing animals on his territory but is less explicit about conferring exclusive privileges of killing game animals and birds. In one case, Old Kaska protested when a white man announced his intention of hunting moose on the farmer's trap line, but generally little attention is paid to where a man hunts or fishes so long as he restricts trapping to his own territory. Ownership does not usually include the flora unless it has been affected by the owner's labor. Thus dried trees are ideally recognized as belonging to the person who killed them, although others do use such wood for fuel. Property is not extended to include spouses or children; a person may exercise authority over children but he would not claim to owning them.

All property is conceived of as privately owned. Ownership confers certain powers over the subject matter of property, including ideal control over permanent alienation and use. This ideal control indicates that the owner has the right to refuse the loan or transfer of his property in case of another's need. Manifestly, however, this right is restricted. The closer property relations involve the members of a settlement, the more limited is a man's control over the use of his property. Different categories of property are variously correlated with the right of use or access by others. Capital goods are probably most highly correlated in this respect; personal objects, like clothes, boat, and grub, intermediately. Implicitly, the owner recognizes that his ownership fails to give him full power of control, so long as others lack and need his possessions. Often refusal to transfer needed objects is indirect; the owner may beg that he does not have what is needed. Such indirect refusal to lend further points to recognition of the limited control which is actually exercised over many possessions. There are, however, thick-skinned individuals who refuse to acknowledge the unformulated right of others to use their property and who, directly, strive to maintain full control. Such people are disliked and are branded as stingy or cranky. It is interesting that such people often try to defend their action, as though recognizing the lack of social support for their behavior. It must be pointed out that few people acknowledge their limited control willingly or generously. Conversely, most people never strongly express their right to use another's property. §21 §23

A few examples of property relations may clarify these principles. Old Kaska said one day that he had almost three year's supply of food at his place. He added with unconcealed §22 §21

1: Honigmann E-5 (1943-1945) 1949 ND12 Nahane ND12

422 [illegible]: "All winter people I feed." Chronically this man complained of his sons' thefts.
421 He was widely regarded as cranky and ungenerous. Similarly Old Man told the ethnographer that he didn't want to buy too large a supply of dog food. If he did, he said, his son-in-law would feel too free to use it. Light was thrown on attitudes toward too exclusive control
423 of property when Leonard Dick stayed a night in Mrs. Dickson's unoccupied cabin in
421 Lower Post. The next day he moved out and into a tent, despite the fact that his son was ill. We asked Old Man why Leonard did this. Old Man replied: "Maybe he hear kick coming. That's why he move out. Hard to get around that woman. She's mean . . . Anybody come around his place, she grab at." The following day Old Man commented: "Some people pretty bad. Kick about it if you use their cabin or stuff winter time in bush. We do it just the same."

423 The principal forms of real property are land, houses, and caches. Each family head may be regarded as owning his trap line, a piece of territory varying in size from about two hundred to five hundred square miles. In British Columbia these trapping areas have been clearly mapped for each individual and the ownership is registered. Here trap lines are relatively small. In the Yukon, however, registered trap lines have not yet been introduced and considerably more confusion pertains to the boundaries of such a territory. Disputes over limits are not infrequent in the Yukon and, when these are called to the attention of the Royal Canadian Mounted Police, they are generally adjudicated by fixing some waterway as the boundary. It is rare for such questions to be referred to the police. Generally a man who feels that his trapping privileges are being infringed upon remains content to complain to his friends and to gossip unfavorably about the infringer. There is apparently no severe shortage of trapping ground and most trap lines are far from completely exploited. Trap lines are owned by men with only two exceptions noted. In these two cases women received their lines from husbands.

Use of a trap line is freely granted to all the members of the owner's primary family and may also be apportioned among a man's younger brothers and, temporarily, to a partner. Following marriage of a daughter and matrilocal residence by a son-in-law, the head of the household assigns an area of the trapping territory for the use of the young man. A son-in-law refers to this area as "mine," and only when pressed will he recognize the fact that final ownership is still invested in his father-in-law.

Houses are built by men, but their ownership is theoretically vested in women. Tents also belong to women; they are sometimes manufactured by women but may also be pur-
[77] chased by men. River Joe, who is part Tahltan Indian (a tribe which has probably been more strongly influenced by coastal Indian attitudes than the Kaska), expressed an atypical conception of house ownership when he indicated that houses may be linked through female relatives. Thus his house, which was owned by his deceased wife (a member of the Wolf society) was said to be linked to the house which his son-in-law, Louis Mass, had built and transferred to his wife (also a Wolf). Both houses were "just the same," River Joe affirmed.

422 Movable property includes all items of capital goods; meat, grub, skins, vehicles, clothes, and other personal belongings. Children are not regarded as owning property until they approach maturity. "Children get nothing," Old Man said. "Just they eat. When full grown, they have their own stuff. They get money from daddy or sometimes they good trappers and pick up their own stuff." A child's money is its own, even when held by

6: Honigmann E-5 (1943-1945)1956 ND12 Nahane ND12
Tsalona, Espatotena
Frances Lake
Upper Liard

616 *Tsalona.* Dichotomous social organization appears to have been absent among the Tsalona or Nelson Indians and even today most of these people cannot identify with either exogamous division, except as they adopt a conventional designation following marriage with a woman from one of the western tribes. The fact that one informant from this group affirmed the presence of moieties may indicate his familiarity with the pattern rather than its adoption by the easterly people.

Espatotena. Jenness reports absence of dual organization on the South Nahani and Beaver rivers.[8]

Frances Lake Kaska. Two moieties, the Wolf and Crew, were probably present aboriginally in the Frances Lake area as they are today.[9]

SOCIAL PRESSURE—LAW AND WAR

626 In this section we propose to discuss the social pressure exerted upon members of the community who departed from expected norms of behavior as well as the pressure exercised upon or by outsiders. The first type of pressure includes behavior usually called customary law, while the second corresponds to war. Norms governing property relations and interpersonal conduct will be presented along with the description of the sanctions available for enforcing those norms.

471 *Upper Liard Kaska.* With the exception of beaver creeks, the microcosmic band did not enjoy exclusive ownership rights to any territory. In other words no family-hunting-
423 ground system existed in the aboriginal period. Indians felt free to hunt or fish anywhere within "their own country," i.e., the territory customarily inhabited by the macrocosmic band. Generally a man avoided those regions which he knew another family to be currently exploiting. Each family (it is not clear if extended family is implied) controlled its own beaver streams, ownership of these residing in the man, although the
[591] entire family shared in the resources. Marriages did not secure new beaver grounds for the husband, who had the choice of returning to his parents' creek to hunt or of taking the animals on his father-in-law's territory. The former pattern seems unlikely because it would result in bilocal residence, a pattern to which informants did not allude. The informant (O) maintained strongly that family control of beaver streams antedated
[552] white contact. Ownership was symbolically expressed in the custom of naming such creeks.[10] Other property marks were denied. The development of possessory rights with

George Adair.) Jenness cites Teit in speaking of a tripartite class structure featuring nobles, commoners, and slaves for the Tahltan. Children of the slaves retained the status of their parents but commoners could raise their rank by potlatching. Jenness, *Indians of Canada* (1932), 373.

[8] Jenness, *Indians of Canada* (1932), 399.

[9] For information of dichotomous grouping north of Frances Lake see above, p. 85.

[10] McLean reports that among the Mackenzie River Slave "the hunter who first finds a beaver lodge claims it as his property, but his claim is not always respected." (McLean, *Notes of a Twenty-Five Years' Service in the Hudson's Bay Territory* [1932], 343). Among the Pelly River people "each Indian has his own beaver country where he can go at any time and get his dinner, as the beaver, if not disturbed, will stay for years in one place or close in that neighborhood. He arrives at his beaver country to find some one has been before him and not only taken his dinner but also his money in the shape of the beaver skins, and if he catches the man that did it as a rule there is trouble of some kind. This is how

6: Honigmann E-5 (1943-1945)1954 ND12 Nahane ND12
Upper Liard

respect to beaver is partly explicable in terms of the animal's habit of remaining and reproducing within a relatively circumscribed district unless population pressure forces migration of the excess stock. Thus in most years Indians could depend upon being able to find food wherever beaver lodges were known to exist. 471 423

Of movable goods a man owned the bark and wood dishes, as well as the eating utensils which he made for his family, his own tools, caches (but not the food upon them), personal clothing, canoe, weapons, toboggan, personal snowshoes, and masks. A woman owned the bark- and spruce-root vessels that she manufactured, personal tools, the dwelling, food, prepared skins, personal clothing, all lines except those which she had given to her husband, and paints. Meat on a cache or freshly killed game cannot be considered the exclusive property of either the hunter or his family because the community felt and exercised a claim on such food. Failure to meet this expectation in the case of large game animals aroused resentment. In a sense children owned their toys as well as personal clothing and snowshoes. The mother controlled a child's possessions but they could not be disposed of outside the family, even by lending without the child's permission. By virtue of the control which parents claimed over a young person's nominal possessions they were able to use the latter freely. Although death might be followed by the destruction of some goods belonging to the deceased the custom did not have as its purpose transmission of wealth to the ghost. In the absence of grave goods people did not conceive of the ghost as owning anything. Even the burial clothes worn by the corpse "belonged to nobody." 422 [768] [775]

Aside from one's name, ownership did not attach toward intangible goods. Nobody exercised individual control over songs or folk tales but it is likely that every man enjoyed some exclusive rights over the magical songs which he had dreamed on the vision quest. 424

Inheritance norms pertained to names and material goods alone.[34] Following death one half of a man's possessions went to his brother while the children divided the other half. Personal items were destroyed. A son usually acquired the scalps taken in battle. The widow might receive a share of the goods to which her brother-in-law enjoyed paramount rights, but her inclusion in inheritance does not appear to have been rigorously enforced. A man could marry his widowed sister-in-law or else could dispose of her to another husband but it is probably incorrect to list this pattern in a discussion of chattels. A woman's wealth fell to the widower, who customarily gave all or most of it to his brother's wife. The knife employed to sever the umbilical cord became the property of a woman's daughter. 428 [587]

---

a lot of trouble between different tribes is started, also amongst the tribe itself." (Field, *Unpublished manuscript* [1918], 9.) Among the Tsapaqotena (Beaver Indians of Fort Liard, perhaps the same group to which McLean refers), "when an Indian discovers one or more beaver lodges, if not already appropriated, he immediately puts his mark upon them, and no one dares to intrude upon his property without his permission, although I know of no punishment inflicted upon the guilty party unless it be the infamy attached to the action, which is considered as very mean and heinous." Keith, *Letters to Mr. Robert McLean* (1900), 69.

[34] For the inheritance of names see below, p. 141.